IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 29892 of 2007(H)

PETITIONER:

BINOY C.R., AGED 35 YEARS,
CHEMMATIL HOUSE, MANNAMTHURUTH, VARAPPUZHA,
THRISSUR.

BY ADV. SRI.P.K.SAJEEV
SRI.JACOB GEORGE (PARAVUR)

RESPONDENTS:
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1. **THE TAHSILDAR,**
   TALUK OFFICE, NORTH PARUR.

2. **THE DEPUTY TAHSILDAR, CRRI,**
   TALUK OFFICE, NORTH PARUR.

3. **THE VILLAGE OFFICER,**
   VARAPPUZHA VILLAGE OFFICE, NORTH PARUR TALUK.

BY GOVERNMENT PLEADER SRI. MATHEW VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.29892 of 2007

Dated this the 31st day of October, 2007

JUDGMENT

The petitioner is aggrieved by Ext.P5 notice issued under Section 49(2) of the Revenue Recovery Act proposing the sale of an extent of 5 cents of property belonging to him, for recovery of an amount of Rs.66,250/- + interest thereon from 8.3.2006. According to the petitioner, the amount is due from one Binoy C.R. In his capacity as a proprietor of Vani Detergent Industries. The petitioner contends that Vani Detergent Industries is no longer functioning and the petitioner is now running another industry in the name and style "Weenus Enterprises".

2. If the original defaulter was a proprietary concern and the petitioner is the proprietor, then it may not be possible for the petitioner to escape from the liability merely because the original concern is no longer functioning. It seems that all that the petitioner needs is some time to make the payment.

3. After having heard the learned counsel on both

sides, the writ petition is disposed of directing the petitioner to approach the first respondent with a representation within a period of three weeks from today indicating a repayment schedule. If there is any material on the basis of which the petitioner can claim that he is not liable to pay the amount, he shall indicate the same also in the representation. On receipt of such a representation, the first respondent, after issuing notice to the District Labour Officer, pass appropriate orders thereon, within a period of one month thereafter.

V. GIRI, JUDGE

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